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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,488	11/25/2003	Yasushi Sayama	2038-309	4367

22429 7590 01/09/2007  
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ALEXANDRIA, VA 22314

EXAMINER
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HAND, MELANIE JO

ART UNIT	PAPER NUMBER
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3761

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/720,488

Applicant(s)

SAYAMA ET AL.

Examiner

Melanie J. Hand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed September 20, 2006 with respect to independent claims 4 and 11 have been fully considered but they are not persuasive.

With respect to applicant's arguments regarding the rejection of claim 4 under 35 U.S.C. 112, referring to applicant's own citation of MPEP 2164.01(a), the factors that Examiner must address "include, but are not limited to " the factors listed, which does not mean that Examiner is held to an exhaustive response to each and every factor, listed or otherwise. Further, the rejection of claim 4, which applicant is encouraged to refer to again in its entirety, addresses at least one of the factors listed and thus Examiner is not "conclud[ing] that a disclosure is not enabling based on an analysis of only one of the above factors while ignoring one or more of the others". Examiner "consider[s] all the evidence related to each of these factors" when examining the claims and the disclosure as a whole. It is not possible, nor is it required, that Examiner transcribe the entire process of consideration of these factors. The rejection of claim 4 is the result of the consideration process and constitutes a proper documentation of the consideration process. Examiner's rejection is not based upon a lack of definition of "average kinetic frictional force", and such definition in the disclosure has been considered. Examiner's grounds for rejecting claim 4 are clearly stated and will not be reiterated herein. Examiner maintains the rejection.

In response to applicant's arguments against the references individually (specifically Sherrod et al), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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Applicant argues that it would not be obvious to apply the skid resistant coating of Sherrod to the backsheet of Kline because such coating is arranged to contact with external objects to maintain the garment in use. This is correct, however it is not a sufficient argument to overcome the rejection. The very purpose of any anti-skid coating or other entity is to prevent undesired movement of one object relative to another. No skidding would exist if the device of Kline and Sherrod or the claimed invention was not in contact with another object and thus no anti-skid property would be necessary. Thus the fact that Sherrod's anti-skid coating is effective only with respect to external objects does not establish any distinction of the claimed invention from the combined teaching of Kline and Sherrod.

With respect to applicant's argument that because Sherrod teaches a coating and thus does not teach elastic and inelastic fibers, again, the rejection is made over the combined teaching of Kline and Sherrod. The argument that Sherrod teaches a coating is not sufficient argument to overcome a rejection over the combined teaching of Kline and Sherrod. Examiner has restated the rejection of claim 4 herein to state that the elastically extensible backsheet of Kline is comprised of blends of elastomeric films (containing elastic fibers) and foams or other nonwoven products containing inelastic fibers. ('809, Col. 5, lines 14-17) Thus Kline teaches both elastic and inelastic fibers. Sherrod teaches by reference to '179 to McCormick that the elastic and inelastic fibers present in the device of Sherrod are staple fibers and thus satisfy the relevant limitation of claim 4.

With respect to applicant's argument that the claimed anti-slip zones form a rougher surface based on the assertion that the coating of Sherrod "would probably have a 'smoother' surface" constitutes pure speculation by applicant. Again, even if the argument were based in fact, the argument addresses the perceived deficiencies of Sherrod alone that is not sufficient to overcome the rejection over the combined teaching of Kline and Sherrod.

Applicant's arguments with respect to claims 5-8, 12, 13, 15-17 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 4 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for anti-slip zones comprised of inelastic thermoplastic fibers mixed with plastic elastomer fibers in a particular weight ratio and the respective types of fibers having substantially identical melting points, does not reasonably provide enablement for an anti-slip zone having an average kinetic frictional force of 0.5 or higher under a load of 58.23 g/9 cm<sup>2</sup> or an average kinetic frictional force of 5 N or less under a load of 340 g/9 cm<sup>2</sup>. Such forces yield particular static and kinetic coefficients of friction that are inherent characteristics of two materials when they are sliding against one another. The values set forth in claim 4 do not produce a kinetic coefficient of friction that satisfies both ranges set forth in claim 4. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. Claims merely setting forth physical characteristics desired in article, and not setting forth specific compositions which would meet such characteristics, are invalid as vague, indefinite, and functional since they cover any conceivable combination of ingredients either presently existing or which might be discovered in future and which would impart desired characteristics; thus, expression "a liquefiable substance having a liquefaction temperature from about 40°C. to

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about 300°C. and being compatible with the ingredients in the powdered detergent composition" is too broad and indefinite since it purports to cover everything which will perform the desired functions regardless of its composition, and, in effect, recites compounds by what it is desired that they do rather than what they are; expression also is too broad since it appears to read upon materials that could not possibly be used to accomplish purposes intended.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-4, 6-11, 13, 14, 16, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kline et al (U.S. Patent No. 6,755,809) in view of Sherrod et al (U.S. Patent Application Publication No. 2003/0124928).

With respect to **Claim 2**: Kline teaches that diaper 20 has leg elastic cuffs. Kline does not teach that the portions of fastening element 49 responsible for resistance to peel mode disengagement (anti-slip zones) cover parts of said leg elastic cuffs or that they lie on respective extensions of said leg elastic members in the longitudinal direction.

Sherrod teaches coating a bottomsheet 28 with an anti-skid coating over substantially all of said sheet. Sherrod teaches that this prevents back and forth movement of said absorbent article, thus it would be obvious to one of ordinary skill in the art to apply a skid-resistant material to areas near the elastic leg cuffs of the article taught by Kline to prevent movement during wear that could cause chafing as taught by Sherrod.

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With respect to **Claims 3,10**: Kline teaches using alternate materials near or on fastening element 49 to effect resistance to peel mode disengagement. These regions around and on fastening element extend toward a centerline bisecting a width of said diaper. Regions that are adjacent the peel-mode disengagement material areas constitute areas with a potential for disengagement, or slip zones. Such slip zones necessarily exhibit an average kinetic frictional force that is lower than the average kinetic force exhibited by the anti-slip peel mode disengagement resisting areas, as the higher frictional force in the anti-slip areas is what lends the anti-slip attribute to those areas.

With respect to **Claims 4,9**: Kline teaches a diaper 20 having chassis 22 (main portion) comprising front waist region 36, rear waist region 38 and crotch region 37 extending in a longitudinal direction between front waist region 36 and rear waist region 38. Chassis 22 has an inner, body-facing surface and an outer, garment-facing surface opposite said body-facing surface. Diaper 20 has end edges 52 that extend parallel to one another in a waist-surrounding direction, and side edges 50 extending in parallel to each other in the longitudinal (back and forth) direction crossing said waist-surrounding direction. Attached to side edges 50 are side panels 30 (pair of wing portions) in both the front and rear waist regions (claim 9) comprised of elastic material, stretchable in the waist-surrounding direction, that extend outwardly in a transverse direction of diaper 20 in each of said waist regions. A surface fastening system is comprised of at least one first fastening element 48 and at least one second fastening element 49. The elements 48 and 49 of said fastening system are disposed at the distal ends of side panels 30 (wing portions) wherein the retaining material 14 that functions as the fastening material is disposed on the inner (body-facing) surfaces of said fastening elements 48, 49, said inner surface being contiguous with the inner (body-facing) surface of side panels 30. Fastening

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elements 48 are releasably engagable with fastening elements 49 (landing zones) attached to the outer surface of chassis 22 in the front waist region 36 via retaining elements 14 for attaching said waist regions 36,38 together. Fastening system 40 is designed to achieve resistance against peel-mode disengagement (anti-slip) by altering the dimension of the engaging area and using alternate materials (i.e. creating anti-slip zones) near or on fastening element 49 (i.e. surrounding and/or on opposite sides of said element), which would thus be near or on the outer surface of chassis 22 in the front waist region 36. Kline teaches that backsheet 26 is comprised of a thermoplastic film, but teaches that the backsheet 26 is elastically extensible, and said backsheet 26 is comprised of blends of elastomeric films (comprised of elastic fibers) and foams, which are comprised of inelastic fibers. ('809, Col. 5, lines 14-17)

The values set forth in claim 4 for load and frictional force yield a kinetic coefficient of friction of  $\mu(k)=.9 \times 10^{-4}$  under a load of 58.23 g/9 cm<sup>2</sup> and  $\mu(k)=0.013$  for a load of 340 g/9 cm<sup>2</sup>. Kline does not teach an average kinetic frictional force for peel mode disengagement of fastening elements 49 relative to the inner surface of side panels 30. Sherrod teaches a static coefficient of friction that is greater than 0.7. Using the kinetic coefficients of friction implicitly set forth by applicant in claim 4 to the bottomsheet 28 taught by Sherrod with anti-skid coating, the  $F_{\max}$  (=normal force at rest) (58.23 g/9 cm<sup>2</sup>) is 45.29 N, which is greater than 0.5 N, and  $F_{\max}$  (load of 340 g/9 cm<sup>2</sup>) = 264 N. Since the coefficient of static friction of two entities is always higher than the coefficient of kinetic friction, the kinetic force taught by Sherrod will be lower than 264 N. Though Sherrod does not explicitly teach a kinetic force of 5 N or lower, such a range is considered herein to be an optimization as applicant has not set forth a particular criticality for such range of kinetic force and such range, as stated previously, is not enabled by the disclosure. Since the composition of the bottom sheet taught by Sherrod determines the



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kinetic force by determining the normal force via its basis weight, such composition is a result effective variable with respect to the kinetic friction force. It would be obvious to one of ordinary skill in the art therefore to modify the materials taught by the combined teaching of Kline and Sherrod so as to have a kinetic frictional force in the range set forth in claim 4 under the load set forth in claim 4.

With respect to **Claim 6**: Sherrod teaches a coating that contains copolymers (i.e. 1:1 weight ratio for the block components, equivalent to a 5:5 ratio) and thus teaches weight ratios that satisfy the ranges set forth in claim 6.

With respect to **Claim 7**: Kline teaches a mixture Sherrod teaches that the bottomsheet 28 containing elastic and inelastic fibers (by virtue of containing coating 30) is a multilaminate, therefore the outer surface layer is bonded to another non-woven film.

With respect to **Claim 8**: Sherrod teaches by reference to '179 that laminate bottom sheet 28 contains at least one meltblown layer, which would necessarily require that the inelastic and nonwoven elastic fibers have substantially identical melting points.

With respect to **Claim 11**: Kline teaches a diaper 20 having chassis 22 (main portion) comprising front waist region 36, rear waist region 38 and crotch region 37 extending in a longitudinal direction between front waist region 36 and rear waist region 38. Chassis 22 has an inner surface adapted to face a wearer in use and an outer surface adapted to face away from the wearer in use. Side panels 30 (pair of wing portions) extend outwardly in a transverse direction of diaper 20 from transversely opposite side edges 50 of chassis 22 in each of said

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waist regions. Side panels 30 have inner surfaces adapted to face a wearer in use and an outer surface adapted to face away from the wearer in use. Side panels 30 have distal ends and proximal ends that are closer to the respective one of the side edges 50 of chassis 22 than the respective distal end. Surface fastening system is comprised of at least one first fastening element 48 and at least one second fastening element 49. The elements 48 and 49 of said fastening system are disposed at the distal ends of side panels 30 (wing portions) wherein the retaining material 14 that functions as the fastening material is disposed on the inner surfaces of said fastening elements 28,29, said inner surface being contiguous with the inner surface of side panels 30. The proximal ends of side panels 30 are free of fastening elements. Fastening elements 48 are releasably engagable with fastening elements 49 (landing zones) attached to the outer surface of chassis 22 in the front waist region 36 via retaining elements 14 for attaching said waist regions 36,38 together. Fastening system 40 is designed to achieve resistance against peel-mode disengagement (anti-slip) by altering the dimension of the engaging area and using alternate materials (i.e. creating anti-slip zones) near or on fastening element 49 (i.e. surrounding and/or on opposite sides of said element), which would thus be near or on the outer surface of chassis 22 in the front waist region 36. The anti-slip zones of fastening element 49 would therefore be contactable with predetermined areas of the inner surfaces of the proximal ends of side panels 30 in rear waist region 38 when the diaper is in use configuration and when the fastening elements 48 are engaged with fastening elements 49 (landing zone). Peel mode disengagement resistance resists relative movement between the predetermined areas of the proximal ends of said wing portions and the opposing waist region to a fastening element.

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With respect to **Claim 13**: Please see the rejections of claims 10 and 11 in addition to the following: The outer surface of chassis 22 taught by Kline defines a slip zone as it is free of landing zone elements 49 which contain peel-mode disengagement resistance materials disposed thereon and thereabout. Kline further teaches that said backsheet 26 is comprised of blends of elastomeric films (comprised of elastic fibers) and foams, which are comprised of inelastic fibers. ('809, Col. 5, lines 14-17)

With respect to **Claim 14**: The areas of resistance to peel mode disengagement taught by Kline and located on and around fastening element 49 will necessarily exhibit a greater coefficient of kinetic friction than that of the non-resistance areas, as this greater coefficient of kinetic friction is what lends the disengagement resistance areas the resistance capability.

With respect to **Claim 16**: Fastening elements 49 taught by Kline comprise strip members having a base body having a first region engagable with retaining material 14 (slip zone) and a second region having fibrous peel mode disengagement resistance material disposed thereon (anti-slip zone).

With respect to **Claims 18-20**: Side panel 30 is comprised of a base elastic layer and contains waist feature 34, which is comprised of inelastic film material (i.e. fibrous layer) and which defines the inner surface of the proximal end of a panel 30. Such material would necessarily exhibit a greater kinetic friction coefficient with the disengagement resistance areas (anti-slip) than predetermined areas other than the resistance areas (slip zone) as that is the nature of a peel resistance zone versus a non-peel-resistant zone.

Claims 5, 12, 15, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kline et al ('809) in view of Sherrod et al ('928) as applied to claims 2-4, 6-11, 13, 14, 16, 18, 19 and 20 above, and further in view of Damberg (U.S. Patent No. 5,151,230).

With respect to **Claim 5**: Sherrod teaches by reference to '179 that all fibers present are continuous fibers ('179, Col. 6, lines 53-55).

Neither Kline nor Sherrod teaches a mixture of elastic fibers and inelastic fibers having a particular weight ratio, or bonding said mixture to a nonwoven fabric. Damberg teaches a composite material comprising elastic fibers and inelastic polymeric binder fibers. Damberg teaches that the elastic fibers are present in an amount between 75-95% by weight, thus the weight ratio of elastic fibers to inelastic fibers set forth in claim 5. The inelastic fibers are comprised of polyvinyl chloride (PVC) granules "or the like", which is interpreted herein as an implicit teaching of PVC fibers. Kline teaches a thermoplastic film for the nonwoven fabric that defines the outer surface of a main portion in the other of said waist regions, one example of which is nylon, which has a melting point of 338-410°F <sup>(1)</sup>, which is substantially the same as the melting point of PVC, which is 360°F <sup>(2)</sup>. Damberg implicitly teaches that substantially all of the materials suitable for creating this composite are widely available commercially or are obtained by breaking down recycled products, therefore it would be obvious to one of ordinary skill in the art to modify the device of Kline and Sherrod by manufacturing the anti-slip zone from material as taught by Damberg by bonding the mixture of elastic and inelastic fibers taught by Damberg to the nonwoven fabric taught by the combined teaching of Kline and Sherrod to ease manufacturing costs and procurement of materials. ('230, Col. 1, line 65 – Col. 2, line 17)

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With respect to **claim 12**: Please see the rejection of claim 5 in addition to the following: Kline teaches a thermoplastic film for said nonwoven fabric, of which PVC is an example, and Damberg teaches PVC inelastic fibers, thus the combined teaching of Kline and Sherrod and Damberg teaches a plastic ingredient of a nonwoven fabric that is exactly the same as that of inelastic fibers bonded thereto.

With respect to **claim 15**: The combined teaching of Kline and Sherrod does not teach antislip zones comprised of inelastic fibers, which are free of elastic fibers. Damberg teaches a mixture of elastic or inelastic fibers and inelastic binder fibers, thus Damberg teaches a mixture that is free of elastic fibers. Damberg implicitly teaches that substantially all of the materials suitable for creating this composite are widely available commercially or are obtained by breaking down recycled products, therefore it would be obvious to one of ordinary skill in the art to modify the device of Kline and Sherrod by manufacturing the anti-slip zone from material as taught by Damberg by bonding the mixture of elastic and inelastic fibers taught by Damberg to the nonwoven fabric taught by the combined teaching of Kline and Sherrod to ease manufacturing costs and procurement of materials. ('230, Col. 1, line 65 – Col. 2, line 17)

With respect to **claim 17**: The combined teaching of Kline and Sherrod does not teach antislip zones comprised of inelastic fibers, which are free of elastic fibers. Damberg teaches a mixture of elastic or inelastic fibers and inelastic binder fibers, thus Damberg teaches a mixture that is free of elastic fibers. Damberg implicitly teaches that substantially all of the materials suitable for creating this composite are widely available commercially or are obtained by breaking down recycled products, therefore it would be obvious to one of ordinary skill in the art to modify the device of Kline and Sherrod by manufacturing the anti-slip zone from material as taught by

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Damberg by bonding the mixture of elastic and inelastic fibers taught by Damberg to the nonwoven fabric taught by the combined teaching of Kline and Sherrod to ease manufacturing costs and procurement of materials. ('230, Col. 1, line 65 – Col. 2, line 17)

With respect to **claim 21**: Kline teaches that backsheet 26 is comprised of a thermoplastic film, but teaches that the backsheet 26 is elastically extensible, and said backsheet 26 is comprised of blends of elastomeric films (comprised of elastic fibers) and foams, which are comprised of inelastic fibers. ('809, Col. 5, lines 14-17)

Neither Kline nor Sherrod teaches a mixture of elastic fibers and inelastic fibers having a particular weight ratio, or bonding said mixture to a base body that is a nonwoven fabric. Damberg teaches a composite material comprising elastic fibers and inelastic polymeric binder fibers. Damberg teaches that the elastic fibers are present in an amount between 75-95% by weight, thus the weight ratio of elastic fibers to inelastic fibers set forth in claim 5. The inelastic fibers are comprised of polyvinyl chloride (PVC) granules "or the like", which is interpreted herein as an implicit teaching of PVC fibers. Kline teaches a thermoplastic film for the nonwoven fabric that defines the outer surface of a main portion in the other of said waist regions, one example of which is nylon, which has a melting point of 338-410°F <sup>(1)</sup>, which is substantially the same as the melting point of PVC, which is 360°F <sup>(2)</sup>. Damberg implicitly teaches that substantially all of the materials suitable for creating this composite are widely available commercially or are obtained by breaking down recycled products, therefore it would be obvious to one of ordinary skill in the art to modify the device of Kline and Sherrod by manufacturing the anti-slip zone from material as taught by Damberg by bonding the mixture of elastic and inelastic fibers taught by Damberg to the nonwoven fabric taught by the combined teaching of

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Kline and Sherrod to ease manufacturing costs and procurement of materials. ('230, Col. 1, line 65 – Col. 2, line 17)

Kline teaches a thermoplastic film for said nonwoven fabric, of which PVC is an example, and Damberg teaches PVC inelastic fibers, thus the combined teaching of Kline and Sherrod and Damberg teaches a plastic ingredient of a nonwoven fabric that is exactly the same as that of inelastic fibers bonded thereto.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Monday-Thursday 8:00-5:30, alt. Fridays 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand  
Examiner  
Art Unit 3761

MJH

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Tatyana', is written over the printed name and title of the Supervisory Primary Examiner.